

DETAILED ACTION

Election/Restrictions

This application is in condition for allowance except for the presence of claims 6-36, 38-42, and 44-49 directed to an invention non-elected with traverse in the reply filed on December 21, 2010 as well as a USC 101 rejection made to claim 37 described below.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 37 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim states a "computer readable recording medium storing program" however due to the new Official Gazette Notice (1351 OG 212) on February 23, 2010, this can still cover signals which are non-statutory subject matter. This can be rectified by adding "a non-transitory computer readable recording medium storing a program."

Allowable Subject Matter

2. Claims 1-5, 37, and 43 are allowed.

REASONS FOR ALLOWABLE CLAIMS

3. The following is an examiner's statement of reasons for allowable claims:

a. The Examiner's best prior art found is Oda (Oda, US 6,542,624 B1), which teaches an iris identifying system (**Abstract**). One embodiment of Oda's system is shown in Figure 3. Here a contrast voltage is taken while scanning both vertically and horizontally, and using these contrast voltages can determine an outline of the pupil (**col. 13, line 64 to col. 14, line 23**). There is no mention of detecting light sources in the pupil of the eye and using them as reference points (Oda uses voltage in this embodiment), thus Oda does not teach the present invention. Another embodiment of Oda's is shown in Figure 5. Here reflection points are determined, however the lights are used to determine if the pupil enlarges or not based upon the number of lights used within the camera (more lights the small the pupil should be, and vice versa). There is no mention of using these reflection points as a connection of a straight line, which then determines boundary candidates to determine the radius and center of the circle. Instead Oda uses the lights to determine if the new pupil radius matches a known pupil radius (ratio) to determine if the eye is alive or not (**col. 15, lines 26-64**). Thus, the center of the pupil is already known as well and is not determined by the perpendicular bisectors of a straight line as in Applicant's claim.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VANCHY JR whose telephone number is

(571)270-1193. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571)272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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